THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.24157 of 2006

20.11.2006

Between:

Balabadruni Narasinga Rao, S/o.Late Kama Raju

... Petitioner

AND

The Secretary to Government of Andhra Pradesh,
Revenue Department, Secretariat, Hyderabad
And another

... Respondents

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.24157 of 2006

ORDER:

The petitioner is statedly owner and possessor of land admeasuring 1210 Sq.yards (plot No.21) in survey No.77/10 situated at Vepagunta village of Pendurthi Mandal in Visakhapatnam Mandal. He purchased the land from Uppalapati Lakshmipathi Raju under a registered sale deed dated 28.4.1979. Due to financial requirements, the petitioner agreed to sell an extent of 945 Sq.yards to Smt.Sakina Khorokiwala and entered into agreement with her on 06.9.2006. When the petitioner approached the office of second respondent to register the same, the officials refused to receive the document for registration on the ground that there is a ban on registration of land in Vepagunta village. Aggrieved by the same, the present writ petition is filed.

In **State of Rajasthan v Basant Nahata**[1], the Supreme Court struck down the provision in the Registration Act as amended by the State of Rajasthan as *ultra vires*. Following the same, a Division Bench of this Court in its judgment dated 07.12.2005 in W.P.Nos.14099 of 2003 and batch struck down Section 22-A of the Act as applicable in State of Andhra Pradesh. It is also brought to the notice of this Court that Special Leave Petition filed by the State Government against the said judgment was also dismissed by the Supreme Court on 11.8.2006. Therefore, the impugned order cannot be sustained.

Following the judgment of the Division Bench, this writ petition is disposed of. As and when the document is presented by the petitioner, the Registering Authority shall accept the same for registration and if for any reasons, the same cannot be registered, record and furnish the reasons. If the petitioner is aggrieved by the order of the Registering Authority, it shall be

open to him to file appeal under Section 72 of the Act before the District Registrar. If the District Registrar i.e., the Appellate Authority declines to give direction to the Registering Authority, the aggrieved person has to file a suit under Section 77 of the Act.

The writ petition, subject to the above observations, is accordingly disposed of. No costs.

November 20, 2006. (**V.V.S.RAO, J**)
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[1] (2005) 12 SCC 77 = 2005 AIR SCW 4456